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### **Remarks**

This is a full and timely response to the Official Action mailed August 11, 2005:  
Reexamination and reconsideration in light of the above amendments and the following remarks are courteously requested.

By the foregoing Amendment, claims 1 and 19 were amended. Support for amending claims 1 and 19 can be found in the Specification on page 10, lines 13-15. Claims 12-18 and 25-37 were canceled in a previous amendment. Thus, claims 1-11 and 19-25 are currently pending for the Examiner's consideration.

### **Rejections Under 35 U.S.C. 103**

Claims 1-11 and 19-25 are rejected under 35 U.S.C. 103(a) as obvious over U.S. Pat. 6,821,270 to Rosenfeld in view by U.S. Patent 4,896,707 to Cowles.

Applicant respectfully traverses this rejection for at least the following reasons.

The present invention, according to claims 1 and 19, is directed to an absorbent article comprising an absorbent body enclosed between a liquid-permeable liner sheet layer and a liquid-impermeable backsheet layer. The article has a longitudinal axis, a relatively wide anterior end and an opposite posterior end connected by side margins to define a generally triangular shape. The side margins continuously converge to the posterior end with at least one angled tab extending from each side margin. The attachment element is associated with each angled tab. The attachment element is aligned obliquely to the longitudinal axis of the article.

Rosenfeld discloses a sanitary napkin for thong undergarments having an absorbent pad between a cover layer and a barrier layer. In one embodiment, the absorbent core is generally tapered from a relatively wide second distal end region to a relatively narrow opposite first distal

end region. The napkin has two flaps extending laterally outward from the side edges of the central absorbent pad. These side flaps have flap adhesives covered with release liner material. However, Rosenfeld fails to disclose, teach or suggest an angled tab with an obliquely aligned attachment element. However, the Office Action cites coupling mechanism 13 for maintain sheet 11 in a selected funnel shape of Cowles as providing this limitation.

A person of ordinary skill in the relevant art would not find motivation in the Cowles patent to modify the teachings of Rosenfeld in order to arrive at the claimed subject matter set forth in claims 1 and 19. This is because of the differences between the overall technologies involved in Cowles, and the limitations cited from Cowles in the Office Action, and the technology of the present invention and of Rosenfeld.

For example, the Office Action asserts that Cowles discloses an oblique orientation to use less adhesive means and for efficiency reasons. Upon reviewing Cowles, it is readily apparent that the adhesive means is taught to bring the exposed strip into adhering contact with another portion of the sheet to be formed into a conical funnel shape. The adhesive means is not attach to an angled tab for attachment to another material as claimed in claims 1 and 19.

Most importantly, there is no teaching of suggestion in Cowles (or in Rosenfeld) that the attachment means of Cowles could be employed in the claimed manners set forth above.

To be more direct, to reach the presently claimed subject matter of claims 1 and 19, a person of ordinary skill in the art would have to find some motivation in Cowles to modify the tabs and attachment means of the Rosenfeld patent to have the same arrangement of claim 1, and to have the same process as claimed in claim 19. Because no such motivation is found in either of the cited patents, the rejections of claim 1 and 19 should be withdrawn. "Obviousness

can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art." In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) M.P.E.P. 2134.01.

Further dependent claims 2-11 and 20-25, being dependent upon claims 1 and 19 respectively, are also allowable for the reasons above. Moreover, these claims are further distinguished by the materials recited therein, particularly within the claimed combination. Withdrawal of the 103(a) rejection is therefore respectfully solicited.

#### **Conclusion**

For the foregoing reasons, the present application is now clearly in condition for allowance. Accordingly, favorable reconsideration of the amended claims in light of the above remarks and an early Notice of Allowance are courteously solicited. If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned Attorney at the below-listed number.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 10-0750.

Respectfully submitted,

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